

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK DANIEL SWARTOUT,

Plaintiff,

v.

KILOLO KIJAKAZI, Commissioner of
Social Security,

Defendant.

CASE NUMBER: 1:20-cv-01424-GSA

**ORDER GRANTING DEFENDANT AN
EXTENSION OF TIME TO FILE
RESPONSE BRIEF**

Defendant moves for an unopposed 45-day extension of time from November 4, 2021 to December 19, 2021 to file a response brief due to counsel's workload given the increased number of Certified Administrative Records filed in previously stayed cases. This is Defendant's first request for an extension for cause.

The Scheduling Order allows for a single extension of thirty days by the stipulation of the parties. Doc. 5 at 3. Beyond the single extension by stipulation, "requests to modify [the scheduling] order must be made by written motion and will be granted only for good cause." *Id.*

When considering whether good cause exists to modify a scheduling order, courts consider the foreseeability of the impediment to meeting the deadline and the party's diligence in seeking the extension once it became apparent they could not meet the deadline. *See Sharp v. Covenant Care LLC*, 288 F.R.D. 465, 467 (S.D. Cal. 2012); *Ordaz Gonzalez v. Cty. of Fresno*, No. 1:18-CV-01558-BAM, 2020 WL 2539287, at *2 (E.D. Cal. May 19, 2020). The Court has the inherent power to manage its own docket to achieve an orderly and expeditious resolution of cases. *Southern California Edison Co. v. Lynch*, 307 F.3d 794 (9th Cir. 2002).

Defense counsel's increased caseload is reasonably sufficient cause for an extension, which

1 counsel sought well in advance of the November 4 deadline. Plaintiff's counsel was also granted
2 an extension for cause to file an opening brief and does not oppose defense counsel's current
3 request.

4 Accordingly, it is **ORDERED** that Defendant's deadline to file a response brief is extended
5 to and including December 19, 2021. All other deadlines are adjusted accordingly.

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7
8 IT IS SO ORDERED.

9 Dated: **October 25, 2021**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE